United Nations CED/C/SR.238

International Convention for the Protection of All Persons from Enforced Disappearance

Distr.: General
24 May 2018

Original: English

Committee on Enforced Disappearances
Fourteenth session

Summary record (partial)* of the 238th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 22 May 2018, at 10 a.m.

Chair: Ms. Janina

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10.05 a.m.

Opening of the session

1. **The Chair** declared open the fourteenth session of the Committee on Enforced Disappearances.

Statement by the representative of the United Nations High Commissioner for Human Rights

2. **Mr. Abdelmoula** (Director, Human Rights Council and Treaty Mechanisms Division, Office of the United Nations High Commissioner for Human Rights) said that 2018 marked the seventieth anniversary of the adoption of the Universal Declaration of Human Rights and the twenty-fifth anniversary of the Vienna Declaration and Programme of Action. In its organization management plan for 2018–2021, the Office of the United Nations High Commissioner for Human Rights (OHCHR) had included accountability and human rights in peace and security among the six pillars of its strategic interventions. The accountability pillar was focused on strengthening the rule of law and accountability for human rights violations, while the pillar on human rights in peace and security dealt mainly with early warning systems and the prevention and protection of human rights in situations of conflict and security. OHCHR was working with its counterparts at the regional and national levels in many countries to ensure that its strategic objectives were translated into practical actions.

3. Since the Committee's thirteenth session, one additional State — Benin — had ratified the International Convention for the Protection of All Persons from Enforced Disappearance, bringing the total number of States parties to the Convention to 58. In December 2017, the General Assembly had called on Member States that had not yet done so to consider signing, ratifying or acceding to the Convention as a matter of priority. It had also called on the Secretary-General and OHCHR to increase their efforts to help States become parties to the Convention. OHCHR intended to continue providing technical and capacity-building assistance to States and civil society and to raise awareness of the Convention, with a view to achieving universal adherence.

4. The General Assembly, in its resolution 72/183, on the Convention, had expressed its deep concern at the increase in enforced or involuntary disappearances in various regions of the world and at the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who had disappeared. It had welcomed the work achieved by the Committee and the cooperation established between the Working Group on Enforced or Involuntary Disappearances and the Committee and encouraged further such cooperation in the future.

5. In 2017, OHCHR had continued to facilitate dialogue on transitional justice issues. It had convened a public regional debate in South America on transitional justice, truth, reconciliation and access to justice. It had also continued to support the rights of victims and the establishment of judicial and non-judicial mechanisms to address serious violations of international law committed during conflict. In the Gambia, it had supported the Government's submission of a bill to the National Assembly aimed at establishing a truth and reconciliation commission. With regard to Kosovo, OHCHR had worked closely with the International Committee of the Red Cross and authorities in Pristina and Belgrade to clarify the fate of 1,658 persons who had gone missing during the conflict that had taken place from 1998 to 2000. In that context, OHCHR was supporting the establishment of the first multi-ethnic resource centre on missing persons.

6. The Human Rights Council, at its thirty-seventh session, had adopted a resolution on the integrity of the judicial system, in which it had noted with concern certain practices that were applied to persons in detention in violation of human rights and the rule of law. It had noted that, according to the Basic Principles on the Independence of the Judiciary, everyone had the right to be tried by ordinary courts or tribunals using established legal procedures, and that tribunals that did not use duly established procedures of the legal process should not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals. The Council had stressed that no one should be held in secret detention, and had

urged States to ensure that all persons held in detention under their authority were provided with access to justice by courts and tribunals that were an integral part of the general judicial system.

7. The Working Group on Enforced or Involuntary Disappearances, at its 115th session, had examined more than 1,000 cases from 40 countries. More than 40 cases of enforced disappearances that had occurred in the last few months and concerned a number of different countries had been reviewed under the urgent procedure. The Working Group's planned country visits in 2018 included one to Ukraine in June and another to Mali during the second half of the year. The Working Group's forthcoming thematic report was intended to provide States with specific tools to help them comply with their obligation to investigate disappearances effectively, exhaustively and impartially.

8. In a joint study on the prevention of gross violations and abuse of human rights and serious violations of international humanitarian law (A/HRC/37/65), submitted for the consideration of the Human Rights Council at its thirty-seventh session, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the Special Adviser of the Secretary-General on the Prevention of Genocide acknowledged that failure to prevent or halt systematic human rights violations increased the risk of violence, conflict and atrocity crimes. They encouraged greater commitment on the part of Member States that had experienced atrocity crimes to designing and implementing a comprehensive framework of transitional justice policies to address root causes of violence and atrocity crimes. They also encouraged the international community to support such processes in a more sustainable manner and underlined three areas of action: the involvement of governance institutions, that of civil society and the fostering of a culture of prevention.

9. A number of developments had taken place at the regional and national levels. At an international seminar on enforced disappearances held at the Council of Europe in Strasbourg, France, in February 2018, experts in the field of international human rights law on enforced disappearance had gathered to discuss the European and United Nations legal frameworks and their responses to cases of enforced disappearance. The Committee had been represented by its Chair, Ms. Janina, and its former Chair, Mr. Decaux. In March 2018, the Inter-American Court of Human Rights had adopted a landmark resolution on the follow-up to its judgment in the case of the *Rio Negro massacres v. Guatemala*, a massacre against indigenous communities also involving enforced disappearances. The Court had decided that the case would be considered concluded only when the State had complied fully with all the terms of the judgment, including by conducting an effective search for the whereabouts of the victims of enforced disappearance, an exhaustive and effective investigation of the human rights violations outlined in the Court's judgment, and the prosecution, investigation and punishment of the perpetrators. At the thirtieth session of the Working Group on the Universal Periodic Review, Colombia had endorsed a recommendation by Norway calling on it to implement the transitional justice system and establish a commission for the clarification of truth, coexistence and non-repetition and a unit for the search of persons declared as disappeared, as agreed in the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace.

10. Turning to the issue of resources to support the Committee's work, he said that the General Assembly, at its seventy-second session, had adopted decisions that had serious negative implications for OHCHR and the functioning of the treaty bodies. Specifically, the General Assembly had decided to reduce resources for the travel of experts by 25 per cent; to reduce resources for the travel of staff by 10 per cent; and to establish only 5 positions in lieu of the 11 posts proposed by the Secretary-General, resulting in a net gain of 2 positions. Consequently, OHCHR was not in a position to approve additional meeting time. It was looking into ways to adjust outputs and workload to ensure the necessary support for treaty bodies' activities. While OHCHR remained committed to providing all treaty bodies with the highest quality of support, some activities might not be supported by the Secretariat to the extent that they had been previously. The situation would be detailed in the forthcoming biennial report to be submitted by the Secretary-General to the General Assembly pursuant to resolution 68/268. Lastly, he said that he would meet with the Committee to further discuss the implications of the General Assembly's decisions.

Adoption of the agenda

11. *The provisional agenda* (CED/C/14/1) *was adopted.*

Minute of silence in remembrance of victims of enforced disappearance

12. *At the invitation of the Chair, the members of the Committee observed a minute of silence in remembrance of victims of enforced disappearance.*

The discussion covered in the summary record ended at 10.25 a.m.